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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|------------------------------|---|---|
| JOSHUA GERSTEIN, |) | Case No. C 06-04643 MMC |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | UNOPPOSED MOTION AND |
| |) | [PROPOSED] ORDER TO ALIGN FILING |
| CENTRAL INTELLIGENCE AGENCY, |) | OF CASE MANAGEMENT REPORTS |
| et al., |) | |
| |) | |
| Defendants. |) | |

Defendants hereby move to align the filing of case management reports. The reasons in support of the motion are as follows:

1. In the August 14, 2007 Order Granting Plaintiff's Motion to Require Further Status Report from Defendant FBI (docket no. 54), the Court ordered that the government file a Notice informing the Court and plaintiff that the processing of all referral documents by the FBI had been completed. That Notice was filed on April 1, 2008 (docket no. 91).

2. The August 14 Order further required that, within 14 days after the filing of the above-referenced Notice, or by April 15, 2008, the parties “shall file a joint status report setting forth a proposed schedule for the filing and briefing of motions regarding the adequacy of all defendants’ responses with respect to the withholding of documents from files of individual leak investigations.”

3. On April 3, 2008, the Court continued the next case management conference until May 23, 2008 (docket no. 92). Pursuant to Local Rule 16-10(d), the parties are required to file a joint case management report by May 13, 2008. That case management report will address, among other things, issues relating to the briefing of the defendants’ applications of Freedom of Information Act exemptions to information contained in files relating to case-specific investigations of unauthorized disclosures of classified information.

4. Because the same information would be included in both of the joint case management reports –*i.e.*, the report required pursuant to the August 14 Order and the report required by Local Rule 16-10(d)– defendants move to align the filing requirements so that the next joint case management report will be filed no later than 10 days prior to the next scheduled case management conference, or by May 13, 2008.

5. On April 11, 2008, undersigned counsel communicated with plaintiff, Joshua Gerstein, by telephone about the substance of this motion. Mr. Gerstein did not oppose the motion and, further, stated he did not believe it was necessary or required.

Conclusion

For the foregoing reasons, defendants’ motion to align the filing of case management reports should be granted.

Dated: April 15, 2008

Respectfully submitted,

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~~[PROPOSED]~~ ORDER

Upon the unopposed motion and good cause appearing, the filing of case management reports will be aligned, with the parties joint case management report due to be filed on or before May 13, 2008.

IT IS SO ORDERED.

Dated: April 16, 2008



MAKINE C. CHESNEY
United States District Judge